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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/383,560 | 08/26/1999 | RICHARD P. RUSIN | 54989USA6A | 6747 |

32692 7590 03/20/2003

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EXAMINER

LEWIS, RALPH A

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3732

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

Office Action SummaryApplication No.
09/383,560Applicant(s)
Rusin et alExaminer
Ralph LewisArt Unit
3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 30, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55-79 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 55-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 16 6) ☐ Other:

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Rejections based on Prior Art

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 55-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oden et al (5,217,375) in view of Rostvall '871 (WO 98/36871) and Rostvall '796 (WO 99/13796).

Oden et al teach the providing of a crystalline ceramic body of "highly pure" Al_2O_3 (column 5, line 19) having a density preferably over 99.5% (column 5, line 13) which is milled to the desired dental prosthesis shape (column 5, line 6). Oden et al suggest that the dental blank be presintered before the milling and then finally sintered after the milling, in contrast to applicant's claims which require that there be no sintering of the ceramic body once the ceramic body is provided. Oden et al do not explicitly disclose why the "highly pure" Al_2O_3 ceramic blank is sintered after milling (thus requiring the complicated step of determining the amount of shrinkage and milling the prosthesis of a size to account for the shrinkage (note column 4, line 65 - column 5, line 4)), but one of ordinary skill in the art would have readily recognized and appreciated that the machining is done prior to full sintering because after final sintering the blank is generally too hard to be machined effectively. Rostvall '871 and '796, however, teaches a method for precision machining dental ceramic dental mill blanks made of a high degree of hardness. To have fully

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sintered the Oden blanks prior to machining in order to eliminate the shrinkage problem and to have machined the high degree of hardness blanks in the manner taught by Rostvall would have been obvious to one of ordinary skill in the art.

Prior Art

Applicant's Information disclosure statement of December 03, 2002 has been considered and an initialed copy enclosed herewith.

Any inquiry concerning this communication should be directed to **Ralph Lewis** at telephone number (703) 308-0770. Fax (703) 872-9302. The examiner works a compressed work schedule and is unavailable every other Friday. The examiner's supervisor, Kevin Shaver, can be reached at (703) 308-2582.

R.Lewis
March 17, 2003


Ralph A. Lewis
Primary Examiner
Au3732